

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hibiki Itoh
Application No. : 10/803,615
Filing Date : March 18, 2004
For : Unit Cell of Flat Solid Oxide Fuel Cell and Fuel Cell Stack
Comprising the Same
Examiner : Cynthia K. Lee
Art Unit : 1795
Confirmation No. : 5877

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- ☐ Under 37 C.F.R. 1.129(a), or
(First/Second Submission after Final Rejection)
- ☐ Under 37 C.F.R. 1.97(b), or
(Within any one of the following time periods: three (3) months of filing national application, other than a CPA, or date of entry of the national stage in an international application; or before the mailing date of a first official action on the merits in a non-provisional application, including a CPA; or a Request for Continued Examination (RCE))
- ☐ Under 37 C.F.R. 1.97(c), together with either:
- ☐ Statement under 37 C.F.R. 1.97(e), as checked below, or
- ☐ Fee of \$180.00 under 37 C.F.R. 1.17(p), or
(After the 37 C.F.R. 1.97(b) time period, but before Final Office Action or Notice of Allowance, whichever issues first)
- ☒ Under 37 C.F.R. 1.97(d), together with:
- ☐ Statement under 37 C.F.R. 1.97(e), as checked below, and
- ☒ Fee of \$180.00 under 37 C.F.R. 1.17(p), or
(Filed after Final Office Action or Notice of Allowance, whichever issues first, but on or before payment of Issue Fee)
- ☐ Under 37 C.F.R. 1.97 (i):

Applicant respectfully requests that the I.D.S. and cited reference(s) be placed in the application file wrapper (Filed after payment of Issue Fee).

Statement Under 37 C.F.R. 1.97(e):

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three (3) months prior to the filing of this Information Disclosure Statement.

Statement Under 37 C.F.R. 1.704 (d) - (Patent Term Adjustment):

(Applies to original applications, other than designs, filed on or after May 29, 2000)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty (30) days prior to the filing of the Information Disclosure Statement.

Enclosed Herewith is Form PTO-1449, and:

- ☒ Copies of the cited references are enclosed.
- ☐ Copies of the cited U.S. references are not enclosed pursuant to the waiver of the requirements under 37 CFR 1.98 (a)(2)(i).
- ☐ Copies of the cited references are enclosed, except those entered in prior application, U.S. Serial No. _____, to which priority under 35 U.S.C. 120 is claimed (The earlier application contains copies of the cited references).
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☒ The "concise explanation" requirement (non-English reference) for Reference(s) under 37 C.F.R. 1.98(a)(3) is satisfied by:
- ☒ the explanation provided on the attached sheet;
- ☐ the explanation provided in the specification;
- ☐ submission of the enclosed International Search Report; or
- ☐ the enclosed English language Abstract.
- ☐ Applicant requests that the following pending applications be considered:

U.S. Patent/Application No. _____, filed/issued _____
U.S. Patent/Application No. _____, filed/issued _____
U.S. Patent/Application No. _____, filed/issued _____

Examiner

Date

- [] A copy of each above-cited application, including the current claims, is enclosed.
- [] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application Serial No. _____, to which priority under 35 U.S.C. 120 is claimed.

The Examiner is respectfully requested to return a copy of the above list of pending applications indicating which references were considered with the next Official Action.

Further, it is respectfully requested that the information disclosed herein be made of record in this application.

Method of Payment:

- [] No fee is required.
- [] A check for the fee noted above is enclosed.
- [] Please charge our deposit account No. 14-1431.
- [X] The Commissioner is authorized to charge any deficiency in payment of fees and credit any overpayment to our Deposit Account No. 14-1431.

Respectfully submitted,

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Dated: November 18, 2008

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Comments:

In the corresponding Japanese application, which has already been granted, the following 6 prior art references have been cited in Notification of reasons for refusal.

(1) JP 6-96778 A (2) JP6-223847A (3) JP 5-89901 A (4) JP 7-45290 A (5) JP 4-301369 A
(6) JP 7-57747 A

In the above documents 1-6, a single cell of a flat plate type solid oxide fuel cell utilizing the fuel electrode and air electrode which are formed by a porous substrate, is described.

Document 2 (JP 6-223847 A) describes that the ceramic member 14 is formed by the plurality of ceramic layers 14a - 14i which are sandwiched by the solid electrolyte plate 12. Furthermore, the thermal properties of the ceramic layers 14a-14i which are in contact with the solid electrolyte plates 12 are approximated to those of the solid electrolyte plates and at least one of the ceramic layers 14a-14i is a porous layer. Also, Two or more layers in which the reinforcement ceramic body 14 of this example contains the ceramic layer 14e with the highest porous intensity can make fuel or air penetrate. Furthermore, the plurality of ceramic layers including ceramic layer 14e are made to pass a fuel gas or air.

Document 2 was also cited in an IDS filed on September 3, 2002, during the prosecution of United States Patent 6,740,442 (Serial No. 09/979,822).